

IN THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

STATE OF CALIFORNIA, et al.,

Plaintiffs-Appellees,

UNITED DOMESTIC WORKERS OF AMERICA,  
AFSCME LOCAL 3930, et al.,

Intervenor-Plaintiffs-Appellees,

No. 21-15091

v.

XAVIER BECERRA, et al.,

Defendants-Appellants.

**CONSENT MOTION TO DISMISS APPEAL**

Appellants move to dismiss this appeal pursuant to Federal Rule of Appellate Procedure 42(b), with each party to bear its own costs and fees. Appellees consent to this motion. In support of this motion, counsel states as follows:

1. The district court vacated the Department of Health and Human Services (HHS) rule at issue in this case and remanded to the agency on November 17, 2020. The government timely filed a notice of appeal on January 14, 2021.
2. This Court entered a temporary administrative closure of the case on February 10, 2021. That closure, as extended, expires on June 2, 2022.

3. On May 16, 2022, HHS published a new final rule addressing the subject matter of this litigation. *See* 87 Fed. Reg. 29,675.
4. The government now moves to dismiss its appeal, with each party to bear its own costs and fees.
5. Counsel for appellees state that appellees consent to this motion.

## **CONCLUSION**

For these reasons, appellants request that the Court dismiss this appeal pursuant to Federal Rule of Appellate Procedure 42(b), with each party to bear its own costs and fees.

Respectfully submitted,

ALISA B. KLEIN

s/ Weili J. Shaw

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